

REMARKS

Claims 29-31 constitute all currently pending claims in the application.

Claim Rejections under 35 U.S.C. § 103

Claims 29-31 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Robinson (US 7,072,846) in view of Morohashi (US 7,130,251). This rejection is traversed for at least the following reasons.

Claim 29 recites the following:

if the portable terminal is connected to the server apparatus through the interface, the updated number of plays of each of said pieces of music stored in the terminal-side storage section are sent to the server apparatus, and the server apparatus updates the number of plays of each of said pieces of music stored in the storage section in accordance with the updated number of plays of each of said pieces of music stored in the terminal-side storage section.

The Examiner contends that the above-quoted features of claim 29 are obvious in light of the teachings of Robinson and Morohashi; however, these features are neither taught nor suggested by the cited references.

Although Robinson does appear to disclose collecting data on “the number of times each user plays each song,” (Robinson at col. 11, lines 20-25) this is only in the context of a web-based or web-enabled music player which communicates to a server via SOAP, XML-RPC, or other similar protocols. As the Examiner acknowledges, Robinson fails to teach or suggest the use of a portable terminal as recited in claim 29, stating that “Robinson never explicitly states the music players are portable, or that they can transfer data to and from a server.” (Office Action at 3.) Accordingly, Robinson clearly teaches nothing about using a portable terminal in order to

store a number of plays of pieces of music, or about sending such data to a server from such a portable terminal to update such data on a server.

Since Robinson lacks any mention of a portable device, the Examiner cites Morohashi, which does appear to disclose a portable music device. Morohashi describes transferring music data from a server to the portable device, but still lacks any teaching or suggestion of storing a number of plays of pieces of music on the portable device, or of sending such data from the portable device to the server to update such data on the server.

Thus, even if one were to attempt to combine the teachings of Robinson with those of Morohashi, neither reference gives any suggestion that one should store a number of plays of pieces of music on a portable terminal. Moreover, since neither reference suggests this feature, the references also lack any contemplation of the requirement of synchronizing such information with a server, i.e., updating a server with the number of plays stored on a portable terminal.

Furthermore, the Examiner contends that a motivation for combining these references would be “to incorporate data information collected from a portable music player in Morohashi with the play count feature of Robinson in order to track how often a user listened to a piece of music accurately, including both at a user terminal and a portable device.” (emphasis added.) However, Morohashi does not teach collecting data information from a portable music player as the Examiner contends. Morohashi only appears to teach transferring music data to a portable device. Neither reference even suggests collecting data on a number of plays from a portable device, or updating a server with such data from a portable device.

Thus, Robinson and Morohashi, alone or in combination, fail to teach or suggest each and every required feature of claim 29. These references, therefore, fail to render claim 29

unpatentable. Accordingly, Applicant respectfully requests that the rejection of claim 29 be withdrawn.

Claims 30 and 31 recite features similar to claim 29. These claims are, therefore, also patentable at least for reasons analogous to those presented above with respect to claim 29. Accordingly, Applicant also respectfully requests that the rejection of claims 30 and 31 be withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/John F. Rabena/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

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CUSTOMER NUMBER

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John F. Rabena
Registration No. 38,584